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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,682	08/10/2003	Tonnie G. Schaus	Handbag	1681
23217	7590	05/11/2006	EXAMINER	
GLENN L. WEBB P.O BOX 951 CONIFER, CO 80433			WEAVER, SUE A	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,682

Applicant(s)

SCHAUS ET AL.

Examiner

Sue A. Weaver

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7,9-13,20,21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,9-13,20,21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 7, 9, 12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salz '201 in view of Fromm '254 and Chen et al '344, all of record.

To have provided the outer bag or cover of Salz with a lining in the manner taught by Fromm and formed the inner bag of a material to be used independently would have been obvious to one having ordinary skill in the art. To have further provided the inner bag with a strap for ease of independent carrying would also have been obvious to one having ordinary skill in the art. To have further fastened the bag with magnetic material such as well-known polarized magnets under the lining to protect items such as credit cards would have been obvious in view of such teaching by Chen et al. Note that silk is known as a durable material. In any event note that the inner purse of Chen et al may be of leather.

3. Claims 1, 7, 9-12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton '688 in view of Chen et al '344, both of record.

Sutton teaches the use of magnet fasteners to secure the inner bag within various covers including ones with pockets and also dividers. Sutton further teaches the use of a liner with the outer bag and the magnetic fastener under the liner. To have provided the liner covering the magnets to protect the contents such as credit cards would have been obvious in view of Chen et al. Note the open sides at 12 of Sutton. Note also the zipper pocket of Chen et al.

4. Claims 1, 2, 7, 10, 12, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farkas, '777 in view of Fromm '254 and Chen et al '344, all of record.

Farkas teaches the provision of flaps with fasteners to secure a removable inner bag. To have provided the outer bag with a lining and the inner bag with a durable outer cover to make it easier to insert the inner bag would have been obvious in view of such teaching by Fromm. To have provided the inner bag with a closure and handle for use independently would also have been obvious in view of Fromm. To have used magnets which are covered by the liner for ease of securing the inner bag in the outer bag and provided an outer zipper pocket would have been obvious in view of such teaching by Chen et al.

5. Claims 13 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton in view of Chen et al in the manner set forth above and further in view of Pollak et al '806.

As noted above Sutton and also Fromm already teach an outer bag with a liner as well as fasteners to receive an inner bag which is useable alone. To have provided the back pack arrangement suggested by Sutton with addition drawstring closure received in openings which are reinforced by eyelets would have been obvious in view of Pollak et al at 26 and 27. Note that zipper pulls that are ring shaped are well-known in the art. Therefore the reinforcing ring shaped eyelets or tabs are considered to inherently be shaped as zipper pulls such as they are claimed.

6. Applicant's arguments with respect to claims 1, 2, 7, 9-13 and 20-26 have been considered but are moot in view of the new ground(s) of rejection.

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Contrary to applicants' arguments silk is indeed recognized as durable material.

Claims 3-6, 8, 14-19 and 22 have been canceled.

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver whose telephone number is (571) 272-4548. The examiner can normally be reached on Tuesday-Friday (6-4:30).

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SW


SUE A. WEAVER
PRIMARY EXAMINER
GROUP 3200